

REMARKS / ARGUMENTS

In the above-identified Office Action, the Examiner has rejected claims 1, 26 and 27 as failing to comply with the written description requirement. The Examiner states that the added limitation "a free volume of more than 60%" is new matter. Applicant notes that original claim 10 had the language that the "free volume of the web is 40 to 80% by volume, preferably 60 to 70% by volume" and has incorporated this statement into the specification by the above amendment, and as such believes that the new matter rejection has been obviated by such action.

Claims 1, 26 and 27 have been rejected as anticipated by or in the alternative under 35 USC 103(a) as obvious over Cox et al. Applicant notes that the disclosure in Cox to which the Examiner refers may be found in paragraph 28 of Cox wherein Cox states "after expansion of the microspheres the amount thereof in the web is in general 10-60 volume percent". Here Cox speaks of the volume of the microspheres themselves and not free volume as claimed. Free volume maybe defined as the volume within which a given hard sphere center can move without requiring alteration of the other sphere positions. Free volume is clearly not the volume of the microspheres. Accordingly, the only disclosure in Cox is in the claims wherein claim 2 represents the free volume of the web is less than 60% and claim 7 represents that the free volume in the web is at most 60%. This is a teaching by Cox away from Applicant's disclosure of free volume being 60 to 70% and as claimed "more than 60%" and, in addition is a teaching that is not enabled by Cox, as it is not discussed in the specification. As a result Applicant believes that the claims currently on file should be patentable.

Applicant hereby requests reconsideration and reexamination thereof.

Application No. 10/529,436
Reply to Office Action of December 23, 2009

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent and the last name "Shekleton" following in a similar style.

Dated: February 8, 2010

Gerald T Shekleton
Reg. No. 27,466
Husch Blackwell Sanders Welsh & Katz
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone: (312) 655-1511
Fax: (312) 655-1501